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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,330	03/06/2001	Dwayne Dames	6169-143	2967
40987	7590	01/05/2005	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			CAMPBELL, JOSHUA D	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/800,330

Applicant(s)

DAMES ET AL.

Examiner

Joshua D Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment filed on 09/14/2004.
2. Claims 1-32 are pending in this case. Claims 1, 13, 14, and 22 are independent claims.
3. The rejection of claim 1 under 35 U.S.C. 112 as being indefinite has been withdrawn due to amendments.
4. The rejection of claims 1-4, 8-10, 12, and 22-32 under 35 U.S.C. 102(e) as being anticipated by Saito et al. has been withdrawn due to amendments.
5. The rejection of claim 13 under 35 U.S.C. 102(e) as being anticipated by Cuomo et al. has been withdrawn due to amendments.
6. The rejection of claims 5 and 11 under 35 U.S.C. 103(a) as being unpatentable over Saito et al. in view of AAPA has been withdrawn due to amendments.
7. The rejection of claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Saito et al. in view of Patel has been withdrawn due to amendments.
8. The rejection of claims 14-19 and 21 under 35 U.S.C. 103(a) as being unpatentable over Saito et al. in view of Fox et al. has been withdrawn due to amendments.
9. The rejection of claim 20 under 35 U.S.C. 103(a) as being unpatentable over Saito et al. in view of Fox et al. and further in view of AAPA has been withdrawn due to amendments.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1-5, 8-25, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito, US Patent Application Publication Number 2001/0042083, filed on August 13, 1998) in view of Silva et al. (hereinafter Silva, US Patent Application Publication, US filing date of September 1, 2000).

**Regarding independent claim 1**, Saito discloses a method in which a template is identified which corresponds to a specified document in which the document includes formatted content (page 3, paragraphs 0042-0045 of Saito). The template is applied to the document and an application extracts data from the formatted content and formats

the data based upon the template in which the formatting produces a second document (page 3, paragraphs 0042-0045 of Saito). Saito does not disclose a method in which the template corresponds to a specific markup language and the second document is this formatted into the markup language. However, Silva discloses a method in which a template (web view) corresponds to a document and a specific document format that includes markup languages, and using the template the content of the original document is formatted into the specific markup language (Page 3, 0026-0028 of Silva). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Silva because it would have allowed for formats to be specified based on the format that a user had the ability to view, thus it would have made the content available to a larger audience.

**Regarding dependent claim 2,** Saito discloses a method in which the data is unformatted data (page 3, paragraphs 0041-0042 of Saito).

**Regarding dependent claim 3,** Saito discloses a method in which a content request is received that specifies a network location of the document and the document is retrieved from that location (page 3, paragraph 0039 of Saito).

**Regarding dependent claim 4,** Saito discloses a method in which the document is presented through a user interface (page 3, paragraph 0039 of Saito).

**Regarding dependent claim 5,** Saito does not disclose a method in which the interface is a speech interface. However, Silva discloses a method in which the newly formatted document is in VoiceXML and is sent to a speech interface (Page 7, 0054 of Silva). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to have combined the methods of Saito and Silva because it would have allowed for formats to be specified based on the format that a user had the ability to view, thus it would have made the content available to a larger audience.

**Regarding dependent claims 8-9**, Saito discloses a method in which the formatted content is in HTML (page 3, paragraphs 0042-0045 of Saito).

**Regarding dependent claims 10-11**, Saito does not disclose a method in which the second document is formatted in VoiceXML. However, Silva discloses a method in which the newly formatted document is in VoiceXML (Page 3, 0026-0028 of Silva). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Silva because it would have allowed for formats to be specified based on the format that a user had the ability to view, thus it would have made the content available to a larger audience.

**Regarding dependent claim 12**, Saito discloses a method in which the second document and the specified document are of a different modality (page 3, paragraphs 0042-0045 of Saito).

**Regarding independent claim 13**, Saito discloses a method in which formatted content is located in a document (page 1, paragraph 0002 and page 5, paragraph 0050 of Saito). Saito discloses that a template is constructed corresponding to the data location corresponding to a content marker in which the template corresponds to the document (page 1, paragraph 0002, page 3, paragraphs 0042-0045, and page 5, paragraph 0050 of Saito). Saito also discloses that the templates are mapped to their corresponding document using a table (Figure 5 and page 3, paragraph 0043 of Saito).

Saito does not disclose a method in which the template corresponds to a specific markup language and the second document is this formatted into the markup language different than the original. However, Silva discloses a method in which a template (web view) corresponds to a document and a specific document format that includes markup languages, and using the template the content of the original document is formatted into the specific markup language (Page 3, 0026-0028 of Silva). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Silva because it would have allowed for formats to be specified based on the format that a user had the ability to view, thus it would have made the content available to a larger audience.

**Regarding independent claim 14,** Saito discloses a method in which templates exist for extracting formatted content from corresponding documents and a table is used to associate the templates with the corresponding documents (Figure 5 and page 3, paragraph 0043 of Saito). Saito does not directly disclose a buffer for receiving documents or a formatter for formatting the data using the target markup language. However, Silva discloses a method in which a template (web view) corresponds to a document, which is initially received in a buffer (transcoding engine), and a specific document format that includes markup languages, and using the template the content of the original document is formatted using a formatter (transcoding engine) into the specific markup language (Figure 7 and Page 3, 0026-0028 of Silva). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Silva because it would have allowed for

formats to be specified based on the format that a user had the ability to view, thus it would have made the content available to a larger audience.

**Regarding dependent claims 15 and 16,** Saito discloses a method in which templates have a content marker for locating data in which the content marker has an identifier for identifying data within the formatted content (page 1, paragraph 0002 and page 5, paragraph 0050 of Saito).

**Regarding dependent claims 17 and 18,** Saito discloses a method in which the formatted content is in HTML (page 3, paragraphs 0042-0045 of Saito).

**Regarding dependent claim 19 and 20,** Saito does not disclose a method in which the second document is formatted in VoiceXML. However, Silva discloses a method in which the newly formatted document is in VoiceXML (Page 3, 0026-0028 of Silva). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito and Silva because it would have allowed for formats to be specified based on the format that a user had the ability to view, thus it would have made the content available to a larger audience.

**Regarding dependent claim 21,** Saito discloses a method in which the second document and the specified document are of a different modality (page 3, paragraphs 0042-0045 of Saito).

**Regarding independent claim 22 and dependent claims 23-25, and 28-32,** the claims incorporate substantially similar subject matter as claims 1, 3-5, and 8-12. Thus, the claims are rejected along the same rationale as claims 1, 3-5, and 8-12.



13. Claims 6, 7, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (hereinafter Saito, US Patent Application Publication Number 2001/0042083, filed on August 13, 1998) in view of Silva et al. (hereinafter Silva, US Patent Application Publication, US filing date of September 1, 2000) as applied to claims 1 and 22 above, and further in view of Khandekar (US Patent Number 6,732,102, filed on November 16, 2000).

**Regarding dependent claims 6, 7, 26, and 27,** Saito discloses a method in which templates have a content marker for locating data in which the content marker has an identifier for identifying data within the formatted content (page 1, paragraph 0002 and page 5, paragraph 0050 of Saito). Neither Saito nor Silva discloses a method in which the marker identifies an offset for determining content. However, Khandekar discloses a method in which a marker identifies an offset to be used to obtain the necessary content from a document (column 3, lines 12-42 of Khandekar). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Saito, Silva, and Khandekar because it would have provided a way to mark the wanted content for future use.

#### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

15. The Confidential Invention Disclosure, BOC8-1999-0119, that is spoken of in the Remarks/Arguments section of the amendment has not been received by the office.

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However, due to the amendments to the claims the prior art references that have been used to reject the claims are no longer the references in question based on the missing disclosure.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 6,085,186

US Patent Number 6,421,733

US Patent Number 6,442,523

US Patent Number 6,658,626

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC  
December 21, 2004

  
BA HUYNH  
PRIMARY EXAMINER